

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Case No. 8:23-MJ- 326 (ML)

JOSEPH THOMPSON,

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of June 7, 2023 in the county of St. Lawrence County in the Northern District of New York the defendant(s) violated:

*Code Section*

21 U.S.C. § 841(a)(1) & (b)(1)(D)  
and 18 U.S.C. § 924(c)(1)(A)(i)

*Offense Description*

Distribution and Possession With Intent to Distribute Less than 50 Kilograms of Marijuana, a Schedule I controlled substance and Possession of a Firearm in Furtherance of a Drug Trafficking Crime

This criminal complaint is based on these facts:  
See attached affidavit

☒ Continued on the attached sheet.

  
 Complainant's signature

Thomas Wihera, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: June 8, 2023

  
 Judge's signature

City and State: Binghamton, NY

Hon. Miroslav Lovric, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF SPECIAL AGENT THOMAS WIHERA**

**Thomas Wihera**, being duly sworn, deposes and says:

**I. INTRODUCTION**

1. I am the applicant herein and I am currently assigned to the Syracuse Field Office as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I have been employed with ATF since June 2021. Prior to my employment with ATF, I worked as a Police Officer with the Grand Junction Police Department in Grand Junction, Colorado, where I was responsible for the investigation of various felony and misdemeanor violations of state and municipal law. I also served for over six years in the U.S. Navy, where I worked within the U.S. intelligence community in support of national information operations. To become an ATF Special Agent (SA), I attended and completed the Criminal Investigator Training Program and the ATF Special Agent Basic Training program at the Federal Law Enforcement Training Center in Glynco, Georgia. During this academy, I received training in and was tested on my knowledge of: law and criminal procedure relevant to the enforcement of violations of Title 18 of the United States Code; electronic and physical surveillance; controlled purchases of evidence; using confidential informants; interviewing suspects and other sources of information; field testing illegal drugs; executing search and arrest warrants; processing evidence; and many other techniques used for the successful investigation and prosecution of criminal violations. I work with a team of experienced criminal investigators from the ATF, and I regularly liaise with members of other federal, state, local, and tribal law enforcement agencies with whom I consult and confer regarding criminal investigations. I have participated in numerous controlled purchases resulting in the recovery of firearms and illegal drugs. I have participated in the execution of numerous search warrants resulting in the recovery of illegal drugs and other related evidence. As a result of my training and

experience, I am familiar with the language, conduct, and customs of people engaged in the “straw purchasing” and trafficking of firearms. In addition to my above-mentioned experience, I have had the opportunity to speak with and observe other federal and state officers regarding the manner in which firearms are trafficked. My training and experience, as well as information I have learned from other law enforcement officers, serves as the basis for any opinions or conclusions set forth below.

2. I have personally participated in the investigation of the offenses set forth below and as a result of my participation and my review of the past and present reports made by Special Agents of the ATF, and other law enforcement agencies, I am familiar with the facts and circumstances of this investigation.

3. I submit this affidavit in support of a criminal complaint charging defendant **JOSEPH THOMPSON** with (i) distribution of, and possession with intent to distribute, less than 50 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(D); and (ii) possession of a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

4. Since this affidavit is being submitted for the limited purpose of securing the requested criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe establish the necessary foundation for the requested complaint.

## **II. PROBABLE CAUSE**

5. I have been involved in an investigation into **THOMPSON's** suspected gun and drug trafficking activity. As part of that investigation, a law enforcement officer acting in an undercover capacity (the “UC”) met and communicated with **THOMPSON** multiple times since



approximately April 2023 to arrange a transaction where **THOMPSON** would provide a quantity of marijuana to the UC in exchange for firearms. The UC and **THOMPSON** eventually agreed to meet on the afternoon of June 7, 2023, at a location in Massena, New York to conduct the transaction.

6. In preparing for the transaction, law enforcement supplied the UC with the following firearms: two SIG Sauer P229 9 mm pistols; two Glock 35 .40 caliber pistols; two Glock 23 .40 caliber pistols; and one Glock 22 .40 caliber pistol (the "Firearms"). Before supplying the Firearms to the UC, law enforcement filed down the firing pins and tested them to confirm that the Firearms could not fire.

7. On June 7, 2023, the UC drove his/her vehicle to the agreed-upon location in Massena, New York. Shortly thereafter, a Toyota Camry arrived and parked next to the UC's vehicle. **THOMPSON** exited the Camry and entered the UC's vehicle. The UC showed **THOMPSON** the Firearms, which were located in a shoebox inside the UC's vehicle. After inspecting the Firearms, **THOMPSON** left the UC's vehicle, went back to the Camry, and retrieved a large black duffle bag and a black trash bag, which **THOMPSON** brought back to the UC's vehicle. **THOMPSON** showed the contents of the bags to the UC, and they appeared to contain approximately 18 pounds of suspected marijuana and additional products of suspected marijuana concentrate. **THOMPSON** then exited the UC's vehicle, leaving the suspected marijuana and carrying with him the shoebox containing the Firearms. **THOMPSON** walked to the trunk of the Camry, and placed the shoebox with the Firearms inside the trunk.


8. While **THOMPSON** was still standing at the trunk of the Camry, law enforcement officers approached him and placed him in custody. Officers recovered from the trunk of the Camry the shoebox containing the Firearms.

9. Law enforcement subsequently performed a field test of the suspected marijuana and marijuana concentrate that **THOMPSON** had provided to the UC in the black bag. The test returned a presumptive positive indication for marijuana.

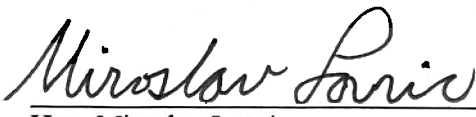
### **III. CONCLUSION**

10. I believe the foregoing establishes probable cause to believe that defendant **JOSEPH THOMPSON** (i) distributed and possessed with intent to distribute less than 50 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(D); and (ii) possessed a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i). I respectfully request that the Court authorize the filing of this complaint so that the defendant may be charged and brought to Court for further proceedings in accordance with the law.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.

  
\_\_\_\_\_  
Thomas Wihera  
Special Agent, ATF

I, the Honorable Miroslav Lovric, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on June 8, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

  
\_\_\_\_\_  
Hon. Miroslav Lovric  
United States Magistrate Judge